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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 BOBBY JO JOHNSON, JR.,

12 Plaintiff,

13 v.

14 DEPARTMENT OF CORRECTIONS, *et al.*,

15 Defendants.  
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CASE NO. C08-5426BHS-JRC

ORDER

17 This case has been referred to the undersigned Magistrate Judge pursuant to Title 28  
18 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR  
19 4. The matter is before the court on plaintiff's motion for an extension of time (Doc. 34) and  
20 plaintiff's to compel discovery (Doc. 37). Defendants have responded to both motions.


21 After reviewing the motion and the remaining record, the court finds and orders as  
22 follows:  
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24 1. Plaintiff's motion to extend the discovery date (Doc. 34) is **GRANTED**. Defendants  
25 do not object to having the discovery period extended, but assert that a ninety (90) day period is  
26 appropriate, not five (5) months as proposed by Plaintiff. Having reviewed the record, the court  
will grant the parties an extension to the following dates.

1           Discovery shall be completed by **July 30, 2009**. Dispositive motions shall be  
2 served and filed by no later than **August 27, 2009**, and the Joint State Report is due  
3 **October 2, 2009**.

4           2. Plaintiff's motion to compel (Doc. 37) is **DENIED**. Plaintiff asks the court to  
5 order the return of his legal materials which have allegedly been unavailable while he has  
6 been in transition status at the Washington Correction Center. It appears Plaintiff has  
7 since moved to a more permanent custody at Clallam Bay Corrections Center, and  
8 Plaintiff will be able to access his personal property at that facility. Plaintiff's request  
9 appears to be moot. Moreover, the court has granted an extension of time, taking into  
10 account the fact that Plaintiff has not had access to his legal materials and will need more  
11 time to prepare his discovery requests.  
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13           DATED this 11th day of May, 2009.  
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17 J. Richard Creatura  
18 United States Magistrate Judge  
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